IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M. No.2804-M of 2006

Date of Decision: 21.5.2007

Pardeep Kumar

....Petitioner.

Versus

State of Punjab and others.

...Respondents.

Present:- Mr.M.K.Garg,Advocate
for the petitioner.

Mr. IPS Sidhu, Sr. DAG Punjab.

Mr. Munish Singal, Advocate
for respondents No.3 and 4.

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S.S.SARON, J.(ORAL)

This petition under Section 482 Cr.P.C. has been filed with a prayer for a direction to respondent No.2 to register FIR against respondents No. 3 to 6 for the offences under Sections 420, 465, 467, 468, 471, 506 and 120-B IPC.

Reply has been filed in the case by Senior Superintendent of Police, Moga, on behalf of respondents No.1 & 2. Besides, a separate reply has been filed by respondents No.3 and 4.

In the reply filed by Senior Superintendent of Police, Moga, respondent No.2, it is submitted that inquiries with respect to the representation filed by the petitioner were conducted by the District Revenue Officer, Moga, and Deputy Superintendent of Police (crime). The allegations mentioned in the representation were found to be false.

Photostat copies of the inquiry reports of Revenue Officer Moga, have been placed on record as Annexure R1. Besides, the copy of the report of DSP (crime) has been placed on record as Annexure R2. It is submitted that the inquiry with regard to the representation made by the petitioner was conducted by Sub Divisional Magistrate, Jaito, who came to the conclusion that the matter should be left on the judicial verdict of the trial Court. A copy of the enquiry report of SDM, Jaito, has been placed on record as Annexure R3.

After giving my thoughtful consideration to the matter it is appropriate to note that the dispute in the present case is based on disputed questions of facts. This Court in exercise of its inherent jurisdiction under Section 482 Cr.P.C. is not to go into the veracity of facts on the basis of which allegations have been made by the petitioner. A civil suit between the parties is already pending. In case the petitioner has any claim to initiation of criminal proceedings he has the remedy of filing a criminal complaint before the Illaqa Magistrate. The petitioner in the facts and circumstances of the case may if so advised resort to the said remedy.

For the fore-going reasons, the present criminal miscellaneous petition is dismissed.

(S.S.SARON)
JUDGE

May 21,2007
Reema